

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE BAYER PHILLIPS COLON HEALTH
PROBIOTIC SALES PRACTICES
LITIGATION

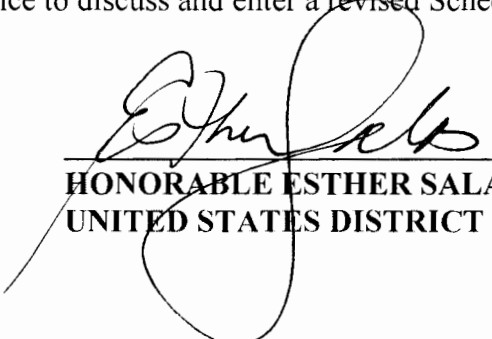
Civil Action No. 11-2793(ES)(SCM)

ORDER

THIS MATTER, having come before the Court on Defendant's Motion to Dismiss the Complaint, and Plaintiffs' Appeal of Magistrate Judge Mannion's Discovery Ruling, oral argument having been heard on February 28, 2014, and for the reasons stated in the Court's Opinion on the Record, and for good cause shown,

IT IS on this 12th day of March, 2014, ORDERED THAT,

1. Defendant's Motion to Dismiss Plaintiffs' Complaint is hereby GRANTED without prejudice for the reasons stated on the record. Plaintiffs shall have until March 31, 2014 to file an Amended Complaint.
2. Plaintiffs' Appeal of the Magistrate Judge's Discovery Order dated July 16, 2013, Docket Entry 112, is DENIED and Judge Mannion's Order is Affirmed for the reasons stated on the record.
3. Defendant shall have 30 days after receipt of Plaintiffs' Amended Complaint to file another Motion to Dismiss or Answer. Upon Defendant's filing of an Answer in response to Plaintiff's Amended Complaint or, if Defendant's file a Motion to Dismiss and it is denied, then, the parties shall promptly contact Magistrate Judge Dickson to schedule a conference to discuss and enter a revised Scheduling Order.


HONORABLE ESTHER SALAS
UNITED STATES DISTRICT JUDGE